IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.2972 OF 2005

IN

SUIT NO.2713 OF 2005

...

Jamilabi Amir Hussain
and ors. ...Plaintiffs

v/s.

Smt.Husseinbi Yunus Allarkha
Molabus & Ors. ...Defendants

...

Mr.S.S.Purohit i/b Joseph Fernandes for the Plaintiffs.
Mr.Uday Bobde i/b Mukesh Subramaniam for Defendant No.1
Mr.G.D.Utangale i/b Utangale & Co. for Defendant No.2.

...

CORAM: D.K.DESHMUKH, J.

DATED: 6TH JUNE, 2007

P.C.:

This notice of motion is taken out by the Plaintiff. The Plaintiffs have filed this suit for partition and separate possession of the share of Amir Hussain Mulla Bux. The Plaintiffs claim to be the legal representatives of the said Amir. The deceased whose property is claimed died in the year 1984, to be precise on 20-6-1984.

. The property in which the share is claimed, as per the reply filed by Defendant No.1 is vested in the State Government being a slum in the year 1982.

. It prima facie appears that in view of the provisions of Article 65 in the Schedule of the Limitation Act, the suit itself may be barred by law of limitation. In this view of the matter, therefore, there is no room to make any interim order in favour of the Plaintiff. Motion is disposed of.

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